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SENATE

{ REPORT
107-69

FORT CLATSOP NATIONAL MEMORIAL EXPANSION ACT OF 2001

OCTOBER 1, 2001.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 423]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 423) to amend the Act entitled “An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes,” having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 20, strike “Washington” and insert “Washington, known as ‘Station Camp’.”
2. On page 3, line 16, through page 4, line 15, strike section 3 in its entirety and insert the following:

“SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.

“The Act entitled ‘An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes’, approved May 29, 1958 (Public Law 85-435; 72 Stat. 153) is amended—

“(1) in section 2, by inserting ‘(a)’ before ‘The Secretary’;

“(2) in section 2, by striking ‘coast.’ and all that follows through the end of the section and inserting ‘coast.’;

“(3) in section 2, by adding the following new subsections:

“(b) The Memorial shall also include the lands depicted as ‘Addition Lands’ on the map entitled ‘Fort Clatsop Boundary Map’ numbered and dated ‘405-80026A-CCO-

June 1996'. The area designated in the map as the 'Buffer Zone' shall not be developed, but shall be managed as a visual buffer.

"(c) The total area for the Memorial shall not exceed 1,500 acres."

"(4) in section 3, by inserting '(a)' before 'Within'.

"(5) by inserting at the end of section 3 the following:

"(b) Such lands included within the boundary as depicted on the map reference in section 2(b) may be acquired only from willing sellers, with the exception of corporately-owned timberlands'."

3. On page 4, line 19 strike "Washington, to determine its" insert "Washington, as well as the Megler Rest Area and Fort Canby State Park, to determine their".

PURPOSE

The purpose of S. 423, as ordered reported, is to expand the boundaries of Fort Clatsop National Memorial in the State of Oregon, and to authorize the study of three related sites in Washington State for potential addition to the National Park System.

BACKGROUND AND NEED

Fort Clatsop National Memorial, located in northwest Oregon, marks the site where Meriwether Lewis, William Clark, and the Corps of Discovery spent the winter of 1805–1806. The memorial is the only unit of the National Park System solely dedicated to the Lewis and Clark expedition.

The site of Fort Clatsop was originally preserved by the Oregon Historical Society, which constructed a replica of the fort based on the journals of Lewis and Clark. In 1958, Fort Clatsop National Memorial was established by Public Law 85–435 to commemorate the culmination and winter encampment of the Lewis and Clark Expedition. Fort Clatsop's enabling legislation also authorized the inclusion of portions of the old trail which led from the fort to the nearby coast. The legislation also limited the total acreage at the site to no more than 125 acres.

The National Park Service acquired the land immediately surrounding the fort, and in 1978, the Salt Cairn site on the coast was added to the memorial by Public Law 95–625. As a result of the acreage limitation, the Park Service is currently unable to acquire the lands between the fort and the ocean, including the trail. The 1995 General Management Plan for the memorial recommended reestablishing the trail between Fort Clatsop and the Salt Cairn site.

S. 423 would amend the park's enabling legislation to increase the acreage limitation to 1,500 acres and to authorize the addition of four parcels adjacent to the existing park boundary. The bicentennial of Lewis and Clark Expedition is approaching, and it is expected that over a million people will visit the memorial during the bicentennial years of 2003 through 2006.

LEGISLATIVE HISTORY

S. 423 was introduced by Senators Wyden, Smith of Oregon, and Murray. The Subcommittee on National Parks held a hearing on the bill on July 26, 2001. At its business meeting on August 2, 2001, the Committee on Energy and National Resources ordered S. 423 favorably reported with amendments.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on August 2, 2001, by a voice vote of a quorum present, recommends that the Senate pass S. 423, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 423, the Committee on Energy and Natural Resources made three amendments. Amendment #1 clarifies in the findings section that the park feasibility study includes the Station Camp site. Amendment #2 makes several technical, clarifying and conforming changes to section 3 of the bill. Specifically, the amendment makes clear that lands identified on the boundary map as the “buffer zone” are not to be developed. These lands are located within the park boundary, and the prohibition against development applies to the National Park Service’s management of the lands. Finally, Amendment #3 provides that two additional sites in Washington State are to be studied for potential national park system designation: Fort Canby State Park and Megler Rest Area.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Fort Clatsop National Memorial Expansion Act of 2001.”

Section 2 contains congressional findings.

Section 3 amends the 1958 act establishing the Fort Clatsop National Memorial (72 Stat. 153) to authorize the addition of four parcels adjacent to the existing memorial. The bill limits the total area designated for the memorial to no more than 1,500 acres. In addition, the bill designates a non-development “buffer zone” along the memorial’s southern boundary.

Section 4 authorizes a study of three sites in Washington State to determine their suitability, feasibility, and national significance for inclusion into the National Park System: the Station Camp site near McGowan, Washington; Fort Canby State Park; and Megler Rest Area.

Station Camp is the site where Lewis and Clark first looked upon the Pacific Ocean and realized President Jefferson’s primary orders. The Expedition spent 10 days at this location prior to moving to the Fort Clatsop site. The Washington State Historical Society and other State agencies have been coordinating efforts to preserve the site. Much of the land around Station Camp is in private ownership, although local landowners have expressed willingness to sell their property with a preference that the site be included in the National Park System. Fort Canby State Park includes the location where the Lewis and Clark Expedition first reached the Pa-

cific Ocean, and the expedition spent several nights at the present location of the Megler Rest Area prior to reaching the Station Camp site.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 4, 2001.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 423, the Fort Clatsop National Memorial Expansion Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 423—Fort Clatsop National Memorial Expansion Act of 2001

Summary: CBO estimates that implementing S. 423 would cost \$9 million over the 2002–2006 period, assuming appropriation of the necessary amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 423 would expand the boundaries of the Fort Clatsop National Memorial in Oregon to include 1,375 acres of additional lands and would authorize the Secretary of the Interior to acquire nonfederal lands within that expanded area. With the exception of certain lands owned by corporations that could be acquired by condemnation, the bill specifies that the Secretary could acquire lands only from willing sellers. S. 423 also would direct the Secretary to study an area known as Station Camp near McGowan, Washington, for potential inclusion in the National Park System.

S. 423 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

By authorizing the Secretary of the Interior to acquire certain timberlands owned by corporations through condemnation, S. 423 would impose a private-sector mandate as defined by UMRA. The bill would authorize the Secretary of the Interior to take the land by condemnation so that it can be included in the Fort Clatsop National Memorial. CBO estimates that the direct cost of this private-sector mandate would fall well below the annual threshold established by UMRA (\$113 million in 2001, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 423 is shown in the following table. The costs

of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	6	3	0	0	0
Estimated Outlays	0	6	3	0	0	0

Basis of Estimate: Based on information from the National Park Service (NPS), CBO expects that expanding the memorial as specified in the bill would not significantly increase the agency's costs to manage the memorial, but would result in increased costs for land acquisition and development. Assuming appropriation of the necessary amounts, CBO estimates that the agency would spend \$6 million in 2002 and \$2 million in 2003 to acquire nonfederal lands within the expanded memorial. We also estimate that the agency would spend \$1 million in 2003 to construct trailhead facilities, parking lots, and other necessary infrastructure. Finally, based on information from the NPS, we estimate that the agency would spend less than \$300,000 during fiscal year 2002 to study the area known as Station Camp near McGowan, Washington, for potential inclusion in the National Park System.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: S.423 contains no intergovernmental mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated Impact on the Private Sector: By authorizing the Secretary of the Interior to acquire certain timberlands owned by corporations through condemnation, S. 423 would impose a private-sector mandate as defined by UMRA. The bill would authorize the Secretary of the Interior to take the land by condemnation so that it can be included in the Fort Clatsop National Memorial administered by the NPS. Although current owners of the land would be willing to sell this land to the NPS for inclusion in the park, they do not have clear title. For this reason, it is necessary that the NPS acquire the land through condemnation. The cost of this mandate would be the fair market value of the land and expenses incurred by the private sector in transferring the property to the federal government. In accordance with federal law, the NPS would compensate the current owners for the fair market value of the land through a judicial condemnation proceeding. According to the NPS, the timberlands have been appraised at roughly \$6 million. Thus, CBO estimates that the direct cost of this private-sector mandate would fall well below the annual threshold established by UMRA (\$113 million in 2001, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Megan Carroll. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Lauren Marks.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 423. The bill is not a regulatory measure in the sense of imposing government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 423.

EXECUTIVE COMMUNICATIONS

On July 27, 2001, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 423. These reports had not been received at the time this report was filed. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN J. REYNOLDS, REGIONAL DIRECTOR,
PACIFIC WEST REGION, NATIONAL PARK SERVICE, DE-
PARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 423, a bill to adjust the boundaries of Fort Clatsop National Memorial.

The Department of the Interior supports S. 423 with a technical amendment as outlined in this testimony. This legislation will expand the boundaries of Fort Clatsop National Memorial, as called for in the site's General Management Plan, to include lands on which a trail linkage between Fort Clatsop and the Pacific Ocean will be established. The bill would also include within the boundary lands that will create a buffer zone to protect the scenic and natural resources that frame the park setting.

Meriwether Lewis and William Clark set off with their Corps of Discovery on May 14, 1804 on an incredible journey that was to be a pivotal event in helping to shape the young United States. Their instructions from President Thomas Jefferson were to explore the Missouri River to its source, establish the most direct land route to the Pacific Ocean, and to make scientific and geographic observations along the way. A year and a half later, having traversed the continent, the expedition arrived at the Pacific Ocean and soon thereafter found a site that was suitable for winter quarters on what is known today as the Lewis and Clark River. On December 8, 1805, the expedition members began building a fort, and by Christmas Eve they were under shelter. They named the forty for the friendly local Indian tribe, the Clatsops. It would be their home for the next three months.

Life at the fort was far from pleasant. It rained every day but 12 of the 106 days at Fort Clatsop. Clothing rotted

and fleas infested the furs and hides of the bedding. The dampness gave nearly everyone rheumatism or colds, and many suffered from other diseases. With all the adversity, the members of the expedition continued to prepare for the return trip that would take some home to family and friends, some to wealth and fame, and others to new lives in the wilderness. All gained a place in history among the greatest of explorers. They were truly the “Corps of Discovery.”

Fort Clatsop National Memorial marks the spot where Lewis and Clark and the Corps of Discovery spent the winter of 1805–1806, and is the only unit of the National Park System solely dedicated to the Lewis and Clark expedition. The bicentennial of the historic journey is fast approaching, and it is expected that well over a million people will visit the site during the bicentennial years of 2003 through 2006.

The historic site of Fort Clatsop was originally preserved and protected by the Oregon Historical Society, and local citizens constructed an exact replica of the fort itself, which had long ago disappeared, except for drawings and descriptions in the journals of Lewis and Clark. In 1958, Fort Clatsop National Memorial was established by Public Law 85–435, which authorized the inclusion within the memorial of lands that are associated with the winter encampment of the Lewis and Clark Expedition, including adjacent portions of the old trail which led overland from the fort to the coast, where members of the expedition worked to make salt for their trip back across the continent. The act also limited the site to no more than 125 acres.

Soon after the enactment of Public Law 85–435, the National Park Service acquired the land immediately surrounding the fort, and in 1978, the Salt Cairn site on the coast was added to the memorial by Public Law 95–625. However, the lands between the fort and the ocean, including the trail, have not been acquired. Legislation is needed to accomplish this goal since the memorial has already effectively reached its acreage limitation.

The 1995 General Management Plan for the memorial calls for the establishment of the trail linkage between Fort Clatsop and the Pacific Ocean, and in addition proposes to add sufficient land area to the memorial to provide for the protection of the scenic and natural resources that frame the park setting. Since the natural setting of the encampment area is an important component of the Lewis & Clark story, its preservation would assist in public interpretation at the fort, along with providing a corresponding benefit to the natural environment surrounding the fort. S. 423 increases the authorized size of Fort Clatsop National Memorial from 125 acres to 1,500 acres and reflects the intent of the General Management Plan to include these lands within the park’s boundary.

In addition, this legislation includes the addition of a “non-development buffer zone” at the request of Willam-

ette Industries, who suggested that these additional lands, totaling approximately 300 acres, be included to protect the viewshed from their timber operations. The Department and Willamette have agreed that these lands should be acquired by condemnation because Willamette's title to the property is not clear. Since obtaining a quiet title to the standards required by the Department of Justice would be exceedingly difficult, if not impossible, both parties have agreed that condemnation is the best alternative.

The Department believes that this legislation is important for several reasons. First, time is of the essence in completing the land acquisition, environmental reviews, engineering and design, and trail construction that is necessary to complete this final link in the Lewis and Clark National Historical Trail for the bicentennial commemoration. Secondly, this legislation represents the completion of a process heavily influenced by local stakeholders. Third, this bill enjoys broad, bipartisan support at all levels, including local and state bicentennial planning committees in Oregon and Washington, Clatsop County, the Chinook Tribe, and the National Council of the Lewis and Clark Bicentennial.

As you know, the Department is committed to the President's priority of eliminating the National Park Service's deferred maintenance backlog and is concerned about the development and life cycle operational costs associated with expansion of parks already included in the National Park System. However, in light of the increasing interest in the Lewis and Clark story as we approach the bicentennial of the expedition, the Department believes that the \$7.5 million needed for land acquisition, and the \$1.1 million for development costs associated with trailhead facilities, parking lots, and other associated infrastructure are justified. Funding for land acquisition and development would be subject to NPS servicewide priorities and the availability of appropriations.

In addition, we note that the Fort Clatsop Historical Association has already purchased some of the lands associated with this legislation and will donate them to the park after the boundary has been adjusted. We expect that the government's efforts will be leveraged through several partners, including the Army National Guard, local trail enthusiasts, and the local high schools, who have agreed to volunteer with trail construction and maintenance. We anticipate the park would seek only minor increases in operational costs (below \$250,000) beyond its existing base funding of \$1.1 million.

S. 423 also includes a provision to authorize the Secretary of the Interior to conduct a study of the area known as "Station Camp," which is located on the Washington side of the Columbia River and is where the Lewis and Clark expedition camped from November 15-24, 1805. While the Department supports this study provision in concept, we believe that the study should carefully examine the full life-cycle operation and maintenance costs that

would result from each alternative considered. In addition, in light of our commitment to eliminate the deferred maintenance backlog in the national parks, our support for the study does not necessarily indicate that the Department would support any new commitments that may be recommended by the study, and that could divert funds from taking care of current responsibilities.

We recommend one technical amendment to the bill, which is attached to the testimony.

That concludes my testimony. I would be glad to answer any questions that you or the members of the subcommittee may have.

Proposed amendment to S. 423: On page 4, line 13 strike “newly expanded boundary” and insert “boundary as depicted on the map described in section 2(b)”.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 423, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 85-435

AN ACT To provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American Continent, there is hereby authorized to be established, in the manner provided herein, Fort Clatsop National Memorial.

SEC. 2. (a) The Secretary of the Interior shall designate for inclusion in Fort Clatsop National Memorial land and improvements thereon located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition, known as Fort Clatsop, and, also, adjacent portions of the old trail which led overland from the fort to the [coast: *Provided*, That the total area so designated shall contain no more than one hundred and twenty-five acres.] *Coast.*

(b) *The Memorial shall also include the lands depicted as “Addition Lands” on the map entitled “Fort Clatsop Boundary Map” numbered and dated “405-80026A-CCO-June 1996”. The area designated in the map as the “Buffer Zone” shall not be developed, but shall be managed as a visual buffer.*

(c) *The total area for the Memorial shall not exceed 1,500 acres.*

SEC. 3. (a) Within the area designated pursuant to section 2, the Secretary of the Interior is authorized to acquire land and interests in land by purchase, donation, with donated funds, or by such other means as he deems to be in the public interest.

(b) Such lands included within the boundary as depicted on the map referenced in section 2(b) may be acquired only from willing sellers, with the exception of corporately-owned timberlands.

SEC. 4. Establishment of fort Clatsop National Memorial shall be effected when there is vested in the United States of America title to not less than one hundred acres of land associated with the historical events to be commemorated. Following its establishment, Fort Clatsop National Memorial shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended.

